



General Assembly

January Session, 2019

Amendment

LCO No. 10180



Offered by:

REP. ARCONTI, 109th Dist.

REP. FERRARO, 117th Dist.

To: House Bill No. 7152

File No. 147

Cal. No. 111

"AN ACT ACCELERATING THE DEPLOYMENT OF 5G WIRELESS FACILITIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2019*) (a) As used in this section:

4 (1) "Council" means the Council on 5G Technology established in
5 subsection (b) of this section;

6 (2) "Department of Energy and Environmental Protection property"
7 means any improved or unimproved real property owned by the
8 Department of Energy and Environmental Protection or subject to an
9 interest in such property owned by said department;

10 (3) "Department of Transportation public right-of-way property"
11 means any improved or unimproved real property owned by the
12 Department of Transportation that is not a railroad, excess property or
13 associated structures;

14 (4) "Highway" has the same meaning as provided in section 14-1 of
15 the general statutes;

16 (5) "Interested person" means a person, as defined in section 3-56a of
17 the general statutes, who owns land in the state that (A) abuts state
18 real property, and (B) is within a distance determined by the council in
19 the guidelines adopted pursuant to subsection (c) of this section from
20 the proposed personal wireless service facility or small wireless facility
21 that the council is reviewing pursuant to a request made pursuant to
22 subsection (d) of this section;

23 (6) "Permitted entity" means a communication infrastructure
24 provider, including, but not limited to, a person authorized to provide
25 communication service in the state, who builds or installs personal
26 wireless service facilities and small wireless facilities and is not a
27 wireless carrier;

28 (7) "Personal wireless service facilities" has the same meaning as
29 provided in 47 USC 332(c)(7), as amended from time to time;

30 (8) "Small wireless facilities" has the same meaning as provided in
31 47 CFR 1.6002, as amended from time to time;

32 (9) "State real properties" has the same meaning as provided in
33 section 4-67g of the general statutes, except it does not include any (A)
34 Department of Energy and Environmental Protection property, (B)
35 Department of Transportation public right-of-way property, (C)
36 improved or unimproved real property owned by the judicial branch,
37 or (D) improved or unimproved real property owned by the legislative
38 branch; and

39 (10) "Wireless carrier" means a provider of personal wireless
40 services as defined in 47 USC 332(c)(7).

41 (b) There shall be a Council on 5G Technology. The council shall
42 consist of the following members or their designees: (1) One employee
43 of the office of the Governor, designated by the Governor; (2) the

44 Secretary of the Office of Policy and Management; (3) the
45 Commissioner of Administrative Services; (4) the Commissioner of
46 Transportation; (5) the Commissioner of Energy and Environmental
47 Protection; (6) the president of The University of Connecticut; and (7)
48 the president of the Connecticut State Colleges and Universities.

49 (c) The council shall adopt guidelines for (1) its operations; and (2)
50 the determinations it makes pursuant to subdivision (2) of subsection
51 (d) of this section, which shall include, but not be limited to, guidelines
52 concerning the safe placement of personal wireless service facilities
53 and small wireless facilities, the protection of open space land when
54 reviewing for use of state real properties submitted in accordance with
55 subdivision (1) of subsection (d) of this section and extensions of time
56 for a determination by the council. The adoption of such guidelines
57 shall not be subject to chapter 54 of the general statutes.

58 (d) (1) A wireless carrier or permitted entity may request to use state
59 real properties for the placement, construction, maintenance and
60 operation of personal wireless service facilities and small wireless
61 facilities in accordance with this subsection. A request for the use of
62 state real properties shall be submitted to the council using the
63 common form developed pursuant to subsection (g) of this section.

64 (2) (A) The council shall accept and review requests from wireless
65 carriers or permitted entities for the use of state real properties for the
66 placement, construction, maintenance and operation of personal
67 wireless service facilities and small wireless facilities made using the
68 common form or forms developed pursuant to subsection (g) of this
69 section.

70 (B) (i) The council shall accept and review comments from any state
71 agency affected by such request and any interested person. In
72 evaluating such requests, the council shall perform due diligence for
73 the portion of each state real property that is the subject of a request,
74 which shall include, but not be limited to, the consideration and
75 assessment of public health and safety effects, state bonding

76 implications and environmental concerns. (ii) The Department of
77 Energy and Environmental Protection shall submit comments
78 regarding environmental concerns regarding requests for the use of
79 state real properties for the placement of personal wireless service
80 facilities.

81 (C) After reviewing any comments submitted from a state agency
82 and any interested person and conducting due diligence, the council
83 shall determine, in accordance with any Federal Communications
84 Commission regulations, rulings or orders, whether a state real
85 property may be used by wireless carriers or permitted entities for the
86 placement, construction, maintenance and operation of personal
87 wireless service facilities or small wireless facilities. In making such
88 determination, the council shall give preference to requests that
89 include the collocation of personal wireless service facilities or small
90 wireless facilities with other wireless carriers or permitted entities.
91 Such determinations shall be made within ninety days of a request by
92 a majority vote of the council, except if the council has determined an
93 extension of time is necessary, pursuant to the guidelines adopted
94 pursuant to subsection (c) of this section.

95 (D) After the council makes a determination to approve a request
96 pursuant to subparagraph (C) of this subdivision, the council shall
97 submit such approved request as follows: (i) For requests to use state
98 real properties owned by The University of Connecticut, to the
99 president of the University of Connecticut; (ii) for requests to use state
100 real properties owned by the Department of Transportation, to the
101 Commissioner of Transportation; and (iii) for requests to use state real
102 properties not included in clause (i) or (ii) of this subparagraph, to the
103 Commissioner of Administrative Services.

104 (3) (A) Not later than thirty days after the receipt of the approved
105 request pursuant to subparagraph (D) of subdivision (2) of this
106 subsection, the president of The University of Connecticut shall use the
107 Telecommunications License Agreement, forms and fee structure
108 developed pursuant to subsection (g) of this section to execute a license

109 agreement with the wireless carrier or permitted entity that submitted
110 the approved request, provided any such agreement shall be approved
111 by the Secretary of the Office of Policy and Management and the
112 Attorney General. The president shall administer any license
113 agreement executed pursuant to this subparagraph.

114 (B) Not later than thirty days after the receipt of the approved
115 request pursuant to subparagraph (D) of subdivision (2) of this
116 subsection, the Commissioner of Transportation shall use the
117 Telecommunications License Agreement, forms and fee structure
118 developed pursuant to subsection (g) of this section to execute a license
119 agreement with the wireless carrier or permitted entity that submitted
120 the approved request, provided any such agreement shall be approved
121 by the Secretary of the Office of Policy and Management and the
122 Attorney General. Said commissioner shall administer any license
123 agreement executed pursuant to this subparagraph.

124 (C) Not later than thirty days after the receipt of the approved
125 request pursuant to subparagraph (D) of subdivision (2) of this
126 subsection, the Commissioner of Administrative Services shall use the
127 Telecommunications License Agreement, forms and fee structure
128 developed pursuant to subsection (g) of this section to execute a license
129 agreement with the wireless carrier or permitted entity that submitted
130 the approved request, provided any such agreement shall be approved
131 by the Secretary of the Office of Policy and Management and the
132 Attorney General. Said commissioner shall administer any license
133 agreement executed pursuant to this subparagraph.

134 (e) (1) A wireless carrier or permitted entity may request to use
135 Department of Energy and Environmental Protection property for the
136 placement, construction, maintenance and operation of small wireless
137 facilities in accordance with this subsection. Such requests shall be
138 made to the Commissioner of Energy and Environmental Protection
139 using the common form developed pursuant to subsection (g) of this
140 section.

141 (2) The Department of Energy and Environmental Protection shall
142 develop a policy for the placement, construction, maintenance and
143 operation of small wireless facilities on Department of Energy and
144 Environmental Protection property. The development of such policy
145 shall not be subject to chapter 54 of the general statutes. Any request
146 made pursuant to this subsection shall comply with such policy and
147 shall be reviewed by said department in accordance with such policy
148 within ninety days, unless the department determines that an
149 extension of time is necessary. If the department approves a request,
150 the Commissioner of Energy and Environmental Protection shall use
151 the Telecommunications License Agreement, forms and fee structure
152 developed pursuant to subsection (g) of this section to execute a license
153 agreement with the wireless carrier or permitted entity that submitted
154 the approved request within thirty days of such approval, provided
155 any such agreement shall be approved by the Secretary of the Office of
156 Policy and Management and the Attorney General. Said commissioner
157 shall administer any license agreement executed pursuant to this
158 subparagraph. Nothing in this subdivision shall be deemed to require
159 the Department of Energy and Environmental Protection to make
160 Department of Energy and Environmental Protection property
161 available for the siting of personal wireless service facilities.

162 (f) (1) A wireless carrier or permitted entity may request to use
163 Department of Transportation public right-of-way property for the
164 placement, construction, maintenance and operation of small wireless
165 facilities in accordance with this subsection.

166 (2) The Department of Transportation shall make highways and
167 Department of Transportation public rights-of-way available for
168 placement, construction, maintenance and operation of small wireless
169 facilities in accordance with any applicable Federal Communications
170 Commission regulations, rulings or orders. Any request made
171 pursuant to this subsection shall be administered by said department
172 and shall be consistent with, to the extent applicable, the department's
173 policy, as amended from time to time, regarding the installation of
174 new utility facilities on any state or interstate highway, the American

175 Association of State Highway and Transportation Officials' Policy on
176 the Accommodation of Utilities on Freeway Rights-of-Way and any
177 regulations or policies adopted by the Federal Highway
178 Administration. Nothing in this subdivision shall be deemed to require
179 the department to make structures over the traveled portion of a
180 limited access state highway available for placement, construction,
181 maintenance and operation of small wireless facilities.

182 (g) On or before November 1, 2019, the Office of Policy and
183 Management, the Department of Energy and Environmental
184 Protection, the Department of Administrative Services and the
185 Department of Transportation shall jointly develop: (1) One or more
186 Telecommunication License Agreements that shall govern (A) the
187 placement of personal wireless service facilities and small wireless
188 facilities on state real properties, buildings, structures or any other
189 property owned by the state, (B) the placement of small wireless
190 facilities on highways and Department of Transportation public right-
191 of-way property; (2) a common form or set of forms for requests made
192 pursuant to subsections (d), (e) and (f) of this section; and (3) a fee
193 structure for requests made pursuant to subsections (d), (e) and (f) of
194 this section. Any Telecommunication License Agreement developed
195 pursuant to this subsection shall be subject to approval by the Attorney
196 General prior to being used pursuant to this section.

197 (h) At the time it submits its first request and every two years
198 thereafter, any wireless carrier or permitted entity that submits or has
199 submitted a request for the use of state real property pursuant to
200 subsection (d) of this section, if such wireless carrier or permitted
201 entity anticipates making another request in the next two calendar
202 years, shall submit to the council such wireless carrier's or permitted
203 entity's master plan or equivalent plan for personal wireless service
204 facilities and small wireless facilities. Any master plan or equivalent
205 plan submitted pursuant to this section may be used by the council in
206 the administration of this section and shall be deemed a trade secret
207 and exempt from public disclosure pursuant to section 1-210 of the
208 general statutes, and shall be marked as such by the council.

209 (i) Nothing in this section shall be construed to prohibit a wireless
210 carrier or permitted entity from requesting the use of property owned
211 by the state that is not subject to this section for the installation of
212 personal wireless service facilities or small wireless facilities. Such
213 request shall be made to the state agency that owns such property.
214 Any agency that receives a request pursuant to this subsection shall
215 grant or reject such request not later than ninety days after receiving
216 such request.

217 (j) Nothing in this section shall be construed to supersede any
218 existing rules and requirements that require the review and approval
219 of permits for proposed personal wireless service facilities that are
220 subject to the jurisdiction of the Connecticut Siting Council and the
221 Public Utilities Regulatory Authority.

222 Sec. 2. (NEW) (*Effective July 1, 2019*) (a) The Office of Policy and
223 Management, in consultation with the Public Utilities Regulatory
224 Authority, the Office of Consumer Counsel, the State Broadband Office
225 and the Connecticut Siting Council, shall work with municipalities and
226 representatives of the wireless industry to encourage the establishment
227 of streamlined processes for siting small wireless facilities on
228 municipal property, in accordance with any applicable Federal
229 Communications Commission rules, regulations or orders. For
230 purposes of this section, "small wireless facilities" has the same
231 meaning as provided in 47 CFR 1.6002, as amended from time to time,
232 and "municipal property" means property owned by a municipality,
233 municipal public rights-of-way and buildings, structures and
234 easements owned by municipalities, and does not include real and
235 personal property of a public service company as defined in section 16-
236 1 of the general statutes.

237 (b) Not later than January 30, 2020, the Secretary of the Office of
238 Policy and Management, in accordance with section 11-4a of the
239 general statutes, shall make recommendations concerning the
240 establishment of streamlined processes for siting small wireless
241 facilities on municipal property to the joint standing committee of the

242 General Assembly having cognizance of matters relating to energy and
243 technology."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section